

A. G. Contract No. KR90-1038-TRD
ECS File: JPA 90-63
Phoenix:
Project: H0860 01D
Section: SR 202L/East Papago
48th St. to Priest Dr.

61759

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

THIS AGREEMENT is entered into 10 July, 1992,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY
OF PHOENIX, acting by and through its CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 and City Charter Chapter 2 Section 2 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. Incident to an improvement project to SR 202L (East Papago Freeway) the State now has in progress, the City has requested and the State has agreed, to include in the project the design and construction of a 16" waterline and the upgrade of a sanitary sewer from 12" to 15", hereinafter referred to as the "Project", at an estimated cost of \$195,507.00, at the City's expense.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO.	<u>16899</u>
FILED WITH SECRETARY OF STATE	
Date Filed	<u>07/10/92</u>
<u>Richard Mahoney</u> Secretary of State	
By	<u>Vincent J. Greenwald</u>

II. SCOPE OF WORK

1. The State will:

a. Provide design plans, specifications and such other documents necessary for construction bidding and construction of the Project. Incorporate City's review comments as appropriate. Call for bids and award one or more construction contracts, administer same and make all payments to the contractor. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to State.

b. Invoice the City for all direct costs associated with the Project, plus a fifteen percent (15%) administrative fee, as required to amortize the Project.

2. The City will:

a. Review design documents, shop drawings and submittals and provide comments as appropriate, within ten (10) calendar days after receipt.

b. Reimburse the State for all reasonable direct costs associated with the Project, including fifteen percent (15%) administrative costs, within thirty (30) days after receipt and approval of invoices.

c. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the City.

d. Assist the State in inspections, water shut-downs, tie-ins and acceptance of the Project in a manner not to delay the State or its contractors.

e. Upon completion and acceptance by the State, provide maintenance to the Project.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518 (B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007


City of Phoenix
Water and Wastewater Department
455 N. 5th Street
Phoenix, AZ 85004


7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF PHOENIX, A Municipal
Corporation

STATE OF ARIZONA
Department of Transportation

By 
MICHAEL GRIZUK, Director
Water/Wastewater Dept.

By 
for ROBERT P. MICKELSON, P.E.
Deputy State Engineer

2783j
12MAR92

ATTEST


CITY CLERK

RESOLUTION

BE IT RESOLVED on this 3rd day of May 1990, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Phoenix for the purpose of defining responsibilities for the construction of utility improvements to I-10 East Papago Freeway, 48th Street to Priest Drive.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.

A handwritten signature in cursive script, reading "Charles L. Miller".

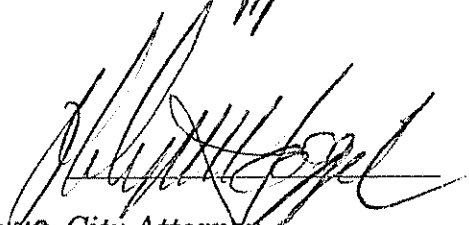
CHARLES L. MILLER, Director
Arizona Department of
Transportation

JPA 90-63

APPROVAL OF THE CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF PHOENIX and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 4th day of April, 1990.


Acting City Attorney


1979j

CITY OF PHOENIX, ARIZONA
REQUEST FOR COUNCIL ACTION

Complete this form per O.P. 1.906 and A.R. 4.11.

ACTION REQUESTED Formal Action: Bid Award _____ License Application _____ Other _____
Ordinance _____ Resolution X Emergency Clause? N (Y/N)

PREPARED BY Name: Danisl C. Raby, P.E. Phone: 261-8226 W.P. Doc. No. 5941e
Backup Material being sent under separate cover? (Y/N) Y

RECOMMENDED
BY Department Name: Water and Wastewater Department (5410eRCA)
Data Prepared: 02/21/92 Div. Approval: Daniel C. Raby, P.E.
Req. Agenda Data: 03/04/92 Dept Approval: Michael Griczuk, P.E.
If prepared for a different department:
Dept. Name/Approval:

BID AWARD/ <u>FORMAL ACTION</u>	Bid Bond Required? <u>N</u>	Performance Bond Required? <u>N</u>
	Submitted by Low Bidder? <u>N</u>	Amount? \$ <u>N/A</u>
	Contract Required? <u>Y</u>	Requisition No. <u>N/A</u>
	Contract Amendment? <u>N</u>	Current Contract No. <u>None</u>
	Approved by: Ord. <u>FA</u>	on Date: _____

BUDGET	\$195,507	Approved by: Kevin Kuss
<u>INFORMATION</u>	Source of Funds:	1988 Water and Sewer Bonds
	Index Code(s):	W-904540 - \$177,314 and S-910331 - \$18,193
	Subobject(s):	4702
	Availability of Funds Approval:	Cecile Pettie

CITY MANAGER'S OFFICE

Okay for signature: M. Mazon
Approved by: George W. Britton C.M. Control Number: 72

CITY CLERK DEPARTMENT

RECORDS SECTION File Number: F-2766/3375 RCA Number: 6689

COUNCIL SUPPORT Item Number: 71 Agenda Date: 03/04/92
Ordinance Number: Resolution Number: 17987

AGENDA ACTION This Item was: Adopted

Contract Number (if applicable): 61759

Comments:

DISTRICT NO. 6 -
IGA WITH STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION
FOR THE WATERLINE & SANITARY
SEWER CONSTRUCTION WITH THE
EAST PAPAGO FREEWAY PROJECT

Request authorization for the City Manager to enter into an Intergovernmental Agreement (IGA) with the State of Arizona Department of Transportation (ADOT) to construct new water and sewer lines as part of the East Papago Freeway project.

Freeway construction in east Phoenix has formed an "island" bounded by the Hohokam Freeway on the west, the East Papago Freeway to the north and east, and the Salt River to the south. The City proposes to extend a new 16 inch waterline in 52nd Street, south to Van Buren Street, and west in Van Buren Street to meet the increasing water needs. The freeway project includes the reconstruction of 52nd Street from Van Buren Street to Fillmore Street. The ADOT construction schedule and the coordination required between the roadway improvements and the new 16 inch waterline favored including the waterline in the freeway contract.

The freeway project also requires the relocation of a 12 inch sanitary sewer. The City has requested that the relocated sewer be increased in size to a 15 inch sewer to accommodate future growth in the area. The cost for the larger sewer will be minimal since the City would only be responsible for the incremental difference between the 12 inch and 15 inch sewer. Construction plans and specifications for approximately 3,300 linear feet of 16 inch waterline and 1,500 linear feet of 15 inch sanitary sewer have been included in the freeway project.

Financial Impact:

The City is responsible for design and construction costs for the 16 inch waterline and the differential cost between the 12 inch and 15 inch sanitary sewer line expenses. The ADOT will also include a 15 percent administration fee. Design costs are estimated at \$27,640. The cost of the new 16 inch waterline construction is estimated at \$127,486. The ADOT engineering and construction administration is estimated at \$25,501 for a total estimated cost of \$195,507.

	<u>W-904540</u>	<u>S-910331</u>
Design	\$ 26,700	\$ 940
Construction	127,486	14,380
15 percent ADOT Administrative Fee	<u>23,128</u>	<u>2,373</u>
Total	\$177,314	\$18,193 = \$195,507

This request was approved by the Natural Resources Subcommittee on February 19, 1992.

MG:DCR:GA:dkj:jw;5410eRCA:5941e

06677e



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007

MAIN PHONE : 542-5025
TELECOPIER : 542-4085


INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR90-1038-TRD, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 1st day of July, 1992.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section,

JRR:ls
7333G/95